7-15-05

PTO/SB/21 (04-04)

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TDANGMITTAL		Application Number	10/808,841
IRANSIMITAL		Filing Date	March 25, 2004
FORM		First Named Inventor	Mark Noonan
(to be used for all correspondence after initi	al filing)	Art Unit	3671
		Examiner Name	Unknown
Total Number of Pages in This Submission		Attorney Docket Number	6175-000006US
	ENCLO	SURES (check all that apply)	
Fee Transmittal Form	☐ Drawin	g(s (1 sheet)	After Allowance Communication to Technology Center (TC)
Fee Attached	Licensi	ng-related Papers	Appeal Communication to Board of Appeals and Interferences
Preliminary Amendment	Petition	n	Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
After Final	After Final Petitio		Proprietary Information
Affidavits/declaration(s)		ute Declaration and Power of ey	Status Letter
Extension of Time Request	☐ Termin	al Disclaimer	Other Enclosure(s) (please identify below):
Па	Reque	st for Refund	Form 1449
☐ Express Abandonment Request ☐ CD, Nu		umber of CD(s)	1 IDS Document Return Postcard
Supplemental Information Disclosure Statement			

Response to Parts under 3 1.52 or 1.53					
	SIGNA	TURE OF APP	PLICANT, ATTORNEY,	OR AGENT	
Firm <i>or</i> Individual name	Harness, Dickey &	Pjerce, P.L.C.	Attorney Name Anthony G. Fussner	Reg. No. 47,582	
Signature	Cal.				
Date	July 14, 2005				

Remarks

Certified Copy of Priority Document(s)

> Response to Missing Parts/ Incomplete Application

#### **CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Anthony G. Fussner	Express Mail Label No.	EV 726254275 US
Signature	G1/	Date	July 14, 2005

This collection of information is required by \*\*JCFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office. U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Application No.:** 

10/808,841

Filing Date:

March 25, 2004

Applicant:

Mark Noonan

**Group Art Unit:** 

3671

Examiner:

Unknown

Title:

WHEELED SHOVEL

Attorney Docket:

6175-000006US

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

## I. <u>LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION</u>

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

### II. COPIES

A. Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office; (iii) each unpublished U.S. application listed below in Section IV (i.e., including the specification, claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims directed to that portion), except for such applications filed on or after June 30, 2003, pursuant to the Waiver of the Copy Requirement in 37 C.F.R. 1.98 (OG Notice dated October 19, 2004); and (iv) all other information or that portion which caused it to be listed.

Serial No. 10/808,841

Page 1 of 5

	B. Any patents, publications or other info 1449 or on the copies of PTO-892, but which previously cited by or submitted to the PTO in which has been relied upon for an earlier filing.	n are not enclosed herewith, were n one of the following applications
	U.S. Serial Number	U.S. Filing Date
	C. This is a PCT application in the entry of States. A copy of the International Search Resinformation. The documents listed on the International Search Resinformation. The documents listed on the International Action to the attached Form 1449 for consideration any patent resulting from this application. If the from the US, EPO, or JPO search authorities, have been supplied to the USPTO under believed to be in the file of the above-identified	port is attached for the Examiner's ernational Search report are listed by the Examiner and for listing on the International Search report was copies of these references should the trilateral agreement and are
111.	CONCISE EXPLANATION OF THE RELEVAN	CE (check <u>at least</u> one box)
	A.  Except as may be indicated below in (B) other information are in the English language (c)	
	B. A concise explanation of the relevance of information listed that is not in the English lang § 1.98(a)(3)):	• • •
	1. See the attached foreign pater counterpart foreign application:	nt office communication from a
	2. English translations are provided:	
	3. Other:	
	C. The following additional information consideration.	is provided for the Examiner's

IV.	CROSS REFERENC	E TO RELATED APPLICA	ATION(S)
	contain(s) subject m bringing this(these) a	atter that may be relate	ollowing co-pending application(s) d to the present application. By niner's attention, Applicant(s) does 35 U.S.C. § 122.
	Serial No.	Filing Date	Art Unit
V.	THIS IDS IS BEING I	FILED UNDER	
	A. 🛛 37 C.F.R. § 1.9	<b>7(b):</b> (check <u>only</u> one box	<b>(</b> )
	than a continu	•	late of a national application other ion under § 1.53(d) (37 C.F.R. § uired.
	forth in § 1.49		f entry of the national stage as set cation (37 C.F.R. § 1.97(b)(2)). No
	1.97(b)(3)). NO Office Action under 37 C.F. 1.97(e) below;	lo fee or certification is ron the merits has been R. § 1.97(c) and see the or, if no certification ha	Action on the merits (37 C.F.R. § required. In the event that a first issued, please consider this IDS are certification under 37 C.F.R. § s been made, charge our deposit as required by 37 C.F.R. § 1.17(p)
			Action after the filing of a request R. § 1.114. No fee or certification
	В. <b>37 С.F.R. § 1.9</b>	<b>7(c):</b> (check <u>only</u> one box	·)
	1.113, a Notic		nal Office Action under 37 C.F.R. § C.F.R. § 1.311, or an action that
	1.  No certification No Sertification No.		the amount of \$180.00 is required
	2. See the	certification below. No fee	e is required.

	C. 37 C.F.R. § 1.97(d):
	after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.
	1. See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
VI.	CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)
	The undersigned hereby certifies that:
	A.
	B.  no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
	C. some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.
VII.	STATEMENT UNDER 37 C.F.R. 1.704(d)
	The undersigned hereby states that:
	each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

## VIII. PAYMENT OF FEES (check only one box)

- A. X A check in the amount of \$180.00 is enclosed for the above identified fee.
- B. Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: <u>July 14, 2005</u>

Anthony G. Fussner Reg. No. 47,582

Harness, Dickey & Pierce, P.L.C. 7700 Bonhomme, Suite 400 St. Louis, Missouri 63105 (314) 726-7500

AGF/dmkd



FORM HDP-1449 (Based on Form PTO-1449)

PE PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION
Use several sheets if necessary)
Sheet 1 of 2

ATTORNEY DOCKET NO.	SERIAL NO.	
6175-000006US 10/808,841		
APPLICANT		
Mark Noonan		
FILING DATE	GROUP	
March 25, 2004	3671	

U.S. P	U.S. PATENT DOCUMENTS					
Ref. Desig.	Examiner's Initials	Document Number	Date (mm/dd/yr)	Name	Class/ Subclass	(If appropriate) Filing Date
1.		1,514,076	11/04/1924	Brown		
2.		1,683,732	09/11/1928	Selin		
3.		2,863,232	12/9/1958	Steinbach et al		
4.		2,867,827	1/13/1959	Gantz		
5.		2,930,152	03/29/1960	Pipkin		
6.		3,468,041	09/23/1969	Mattson et al		
7.		3,469,326	09/30/1969	Malickson		
8.		3,643,356	02/22/1972	Gohl		
9.		3,748,761	07/31/1973	Chetwynde		
10.		4,153,287	05/08/1979	Townsend		
11.		4,179,828	12/25/1979	Brunty		
12.		4,214,385	07/29/1980	Baranowski et al		
13.		4,224,751	09/30/1980	Schoemann et al		
14.		5,048,206	09/17/1991	Jones		
15.		5,074,064	12/24/1991	Nickels		
16.		5,117,530	06/02/1992	Rank		
17.		5,123,187	06/23/1992	Zamaria		
18.		5,727,799	03/17/1998	DiSario		

Examiner:	Date Considered:



# FORM HDP-1449 (Based on Form PTO-1449)

# PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Sheet 2 of 2

ATTORNEY DOCKET NO.	SERIAL NO.	
6175-000006US 10/808,841		
APPLICANT		
Mark Noonan		
FILING DATE	GROUP	
March 25, 2004	3671	

FORE	FOREIGN PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date (mm/dd/yr)	Country	Class/ Subclass	Translation Yes	on No
1.							

OTHER DOCUMENTS (including Author, Title, Date, Pages, etc.)			
Ref. Desig.	Examiner's Initials		
1.		Field Corn Planter, http://etc.usf.edu/clipart/4200/4213/planter_5.htm, 03/11/05, 2 pages	

Examiner:	Date Considered:
	<del> </del>